IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 2ND JANUARY 2007 / 12TH PAUSHA 1928

WP(C).No. 34178 of 2005(R)

PETITIONER:

SAJEEV.S., AGED 32 YEARS,
WORKSHOP INSTRUCTOR, ELECTRICAL DEPARTMENT,
S.N.POLY TECHNIC, KOTTIYAM, S/O.SATHYASEELAN,
PAYYOOTHARAYIL, GOVINDAMUTTOM P.O.,
KAYAMKULAM, ALAPPUZHA DISTRICT.

BY ADV. SRI.C.R.SIVAKUMAR

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE PRINCIPLE SECRETARY TO THE GOVERNMENT, HIGHER EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
3. **THE JOINT DIRECTOR (P.S.), DIRECTORATE OF TECHNICAL EDUCATION, THIRUVANANTHAPURAM.**
4. **THE CHAIRMAN, GOVERNING BODY, SREE NARAYANA POLYTECHNIC COLLEGE, KOTTIYAM.**
5. **THE PRINCIPAL IN CHARGE, SREE NARAYANA POLYTECHNIC COLLEGE, KOTTIYAM.**
6. **S.PREMAKUMARI, DEMONSTRATOR, SREE NARAYANA POLYTECHNIC COLLEGE, KOTTIYAM.**

BY ADV. SRI.B.SURESH KUMAR for R6
SRI.A.N.RAJAN BABU, SC, S.N.TRUST for R5
BY GOVST.PLEADER SRI. T.T. MUHAMMED

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:	**COPY OF THE APPOINTMENT MEMO ISSUED DTD. 01/12/2000.**
EXT.P2:	**COPY OF THE ORDER NO.DP5/13184/03 DTD. 05/05/2003 ISSUED BY THE 3RD RESPONDENT.**
EXT.P3:	**COPY OF THE ORDER DTD. 15/12/2004.**
EXT.P4:	**COPY OF THE LETTER DTD. 22/12/2004.**
EXT.P5:	**COPY OF THE REPRESENTATION DTD. 28/02/2005.**
EXT.P6:	**COPY OF THE REPRESENTATION.**
EXT.P7:	**COPY OF THE RELIEVING ORDER DTD. 02/12/2005 ISSUED BY THE 5TH RESPONDENT.**
EXT.P8:	**COPY OF THE LETTER DTD. 26/11/2005 ISSUED BY THE 2ND RESPONDENT.**
EXT.P9:	**COPY OF THE DETAILS IN REGARD TO H.UMMER TRADESMAN (SURVEY) AT T.K.M.COLLEGE OF ENGINEERING.**

6TH RESPONDENT'S EXHIBIT:

EXT.R6(A):	**COPY OF THE GOVERNMENT ORDER DTD. 21/12/1998 AND THE STAFF PATTERN OF SREE NARAYANA POLY TECHNIC, KOTTIYAM.**

/TRUE COPY/

Kss

K.M.JOSEPH, J.

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WP.(C) No.34178 OF 2005

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Dated this the 2nd day of January, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioner was appointed as Workshop Instructor in Electrical Department in S.N.Polytechnic, Kottiyam. He completed his probation. He was appointed as Demonstrator in the Mechanical Section. The sixth respondent joined duty after completion of long leave. Petitioner thereupon submitted Exts.P5 and P6 representations before the fifth and second respondents respectively. First respondent issued Ext.P8 order. Petitioner challenges Exts.P3, P7 and P8 and seeks a direction to ratify the appointment order of the fourth respondent as per Ext.P3. He also seeks a direction to relieve the sixth respondent, who is junior to the petitioner and to direct the second respondent to take necessary steps to disburse the salary from 1.12.2004. The further direction sought is to retain him in service on the basis of Ext.P2 order and to protect the petitioner till a vacancy arises or may be permitted to be posted as Demonstrator in Mechanical Section.

2. Counter affidavit is filed by the first respondent, to which reply is filed. Today, when the matter came up, it is submitted on behalf of respondents 4 and 5 that the petitioner will be considered in the next arising vacancy of Workshop Instructor in the Electrical Section.

Writ petition is disposed of recording the submission that the petitioner will be considered in the next arising vacancy provided the petitioner is eligible.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.